

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WILLIAM P. HAESSLY,**  
Petitioner,

v.

**Case No. 05-C-1143**

**GREG GRAMS,**  
Respondent.

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**ORDER**

On October 31, 2005, William P. Haessly filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 26, 2007, I stayed his petition to permit him to exhaust state remedies, and later clarified that he had sixty days to do so. On April 30, 2007, petitioner asked for a small amount of extra time to file his state court petition without jeopardizing his federal petition. I granted this additional time. Now petitioner is asking for another “continuance” and for appointment of counsel.

I will grant petitioner an additional 20 days from the date of this order to notify me that he has filed a state court petition for the purpose of exhausting state remedies on his remaining claims. If petitioner fails to do so, I will dismiss his petition without prejudice for failure to exhaust, as respondent originally asked me to do. I understand that petitioner is having a tough time completing his state petition, as any prisoner would. However, I cannot hold petitioner’s federal petition in abeyance indefinitely and thereby defeat the statutory time limit on filing federal habeas petitions. As such, I will not grant any further extensions of time.

As for petitioner’s request for counsel, I have no authority over petitioner’s proceeding in state court and could not grant petitioner’s request even if I wanted to.

**Therefore,**

**IT IS ORDERED** that petitioner's motion is **GRANTED IN PART AND DENIED IN PART**. Within twenty (20) days of this order, petitioner must file proof of filing his case in state court. If petitioner fails to do so, I will dismiss his petition without prejudice for failure to exhaust.

Dated at Milwaukee, Wisconsin, this 2nd day of July, 2007.

BY THE COURT:

s/Lynn Adelman

LYNN ADELMAN

District Judge